

Serial No.: 10/672,106

Attorney Docket No.: 2003P08211US

REMARKS

Upon entry of the instant amendment, Claims 1, 3-14, and 16-20 are pending. Claims 1, 9, and 14 have been amended to more particularly point out applicants' invention.

Claims 1, 4-11, and 14 have been rejected under 35 U.S.C. 103 as being anticipated by Jones, Jr., U.S. Patent Application No. 2001/0052849 ("Jones") in view of Camhi, U.S. Patent No. 6,762,684 ("Camhi"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Jones or Camhi, either singly or in combination.

As described in the Specification, a remote device equipped with an audible alarm and a transmission alarm is provided in accordance with embodiments of the present invention. The alarms can be sounded based upon different boundaries or geographic ranges. In particular, in certain embodiments, an alarm can sound when a device is determined to be outside a predetermined geographic range; the location can be transmitted to an administration device a predetermined period after the alarm has sounded if the device is not returned to within the range. In addition, in some embodiments, the wireless device and/or system can include or be associated with a presence system for defining availability of the user based on the geographic condition of the device.

Thus, claim 1 has been amended to recite "a presence controller for defining one or more availability rules associated with a user of the device depending on a position condition of the telecommunications device;" claim 9 has been amended to recite "a presence system for defining one or more availability rules associated with a user of the wireless device depending on a position condition of the wireless device;" and claim 14 has been amended to recite "programming a presence system with one or more availability rules associated with the first and second geographic ranges for contacting a user of the wireless device."

In contrast, neither Jones nor Camhi remotely relate to, inter alia, providing a set of availability rules associated with the user of the device. Jones provides for a routing

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condition for alerting another party of breach of a boundary rule by a device wearer, but does not provide an availability rule for the wearer, as generally recited in the claims at issue. Similarly, Camhi merely provides a warning to a central station responsive to a breach. Indeed, neither reference even appears to recognize that it may be desirable to provide such a set of rules for a device wearer. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 3, 12-13, and 16-20 were rejected under 35 U.S.C. 103 as being unpatentable over Jones, Camhi, and further in view of Chaco, U.S. Patent No. 7,034,690 ("Chaco"). Jones and Camhi have been discussed above. Chaco is relied on for allegedly teaching a second boundary. However, like Jones and Camhi, Chaco fails to remedy the above-identified deficiencies in the primary references. Indeed, inasmuch as Chaco relates to an infant monitor, who presumably would not be able to respond to electronic communication, Applicants respectfully submit that Chaco teaches away from the claimed invention. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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Respectfully submitted,

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